

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Nos. 00-5212

MICROSOFT CORPORATION,
Defendant-Appellant,
v.
UNITED STATES OF AMERICA,
Plaintiff-Appellees.

Nos. 00-5213

MICROSOFT CORPORATION,
Defendant-Appellant,
v.
STATE OF NEW YORK, et al.,
Plaintiff-Appellees.

**ON APPEAL FROM THE UNITED STATES OF DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Pursuant to Federal Rule of Appellate Procedure 29 and this Court's Order of October 11, 2000, I, Lee A. Hollaar, respectfully move this Court for leave to file a brief in this case as amicus curiae.

I am a professor of computer science at the University of Utah, and have been teaching this subject since 1975. I have been working with computer software and hardware systems since 1964. I served as a visiting scholar with the United States Court of Appeals for the Federal Circuit in 1996 and 1997, assisting the Court with technical questions. I am currently the liaison for the Institute of Electrical and Electronic Engineers to the American Association for the Advancement of Science program to supply technical experts to assist the courts.

As the primary technical expert for Caldera, Inc. and Bristol Technology, Inc. in *Caldera, Inc. v. Microsoft Corp.*, 72 F.Supp.2d 1295 (D. Utah 1999) and *Bristol Technology Inc., v. Microsoft Corp.*, 2000 WL 1336872 (D. Conn. 2000), I was the only technical expert for the plaintiffs to view the source code of Microsoft products, including Windows 95, Windows 3.1 and MS-DOS, in these two actions.

I can provide the Court with a unique insight regarding the nature of integration of different software products and the benefits resulting from combining software.

As amicus curiae, I can provide the Court with useful technical analysis of the distinction between "integration" of software and the "bolting" of two distinct computer programs. The technological relationship between consumer functionality and software design will be critical in assessing the nature of Microsoft's conduct with respect to the intermingling of the source codes for the operating system and browser functionalities. Furthermore, whether the technical

efficiencies could in all cases justify "integrating" software products will be a factor in this Court's determinations. In short, the technological realities, applicable not only to Microsoft products but to software in general, will be critically relevant in this Court's resolution of some of the legal issues presented in this case.

Because of my particular perspective and unique expertise surrounding the technological issues in this case, I request leave to file a brief as amicus curiae.

Dated: October 25, 2000

Respectfully submitted,

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CERTIFICATE of SERVICE

I hereby certify that, on this 25th day of October, 2000, I caused a true and correct copy of the Motion for Leave to File Brief Amicus Curiae by overnight courier upon:

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